

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(AMENDED Pre-adoption Statement of Reasons)

Amend Subsection (b)(178) of Section 7.50, Title 14, CCR
Re: Silver King Creek

- I. Date of Initial Statement of Reasons: December 13, 2005
- II. Date of Pre-adoption Statement of Reasons: February 22, 2006
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 3, 2006
Location: Sacramento
 - (b) Discussion Hearing: Date: March 3, 2006
Location: Riverside
 - (c) Discussion Hearing: Date: April 7, 2006
Location: Monterey
 - (d) Discussion Hearing: Date: May 4, 2006
Location: Kings Beach
 - (e) Adoption Hearing Date: June 23, 2006
Location: Mammoth Lakes
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

This proposed modification would reduce the amount of closed water compared to the original closure put forth in the Initial Statement of Reasons.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

There was a concern from Alpine County that the original closure area proposed in the Initial Statement of Reasons would significantly restrict public use and commercial horse packing activities in their county.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

At the May 4, 2006 Fish and Game Commission meeting, representatives of the Alpine County Board of Supervisors and other interested parties from Alpine County suggested that the proposed regulations in the original Pre-adoption

Statement of Reasons was a hardship to County interests and opposed such a closure.

Updated Informative Digest/Policy Statement Overview

Current law (Section 200, Fish and Game Code) delegates authority to the Fish and Game Commission to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles. The Commission's regulations may establish, extend, shorten, or abolish open and closed seasons; establish, change, or abolish bag limits, possession limits, and size limits; establish and change areas or territorial limits for their taking; and/or prescribe the manner and means of taking (Section 205, Fish and Game Code). Current law (Section 315, Fish and Game Code) further states that the Commission may, at any time, close any stream, lake, or other inland waters, or portions thereof, to the taking of any species or subspecies of fish to protect and properly conserve the fish.

Emergency regulations adopted on August 18, 2005 for Silver King Creek between Llewellyn Falls and Snodgrass Creek expired on December 22, 2005. Current general trout and salmon fishing regulations provide that fishing is open from the last Saturday in April through November 15, and as such, the area between Llewellyn Falls and Snodgrass Creek **was** opened to fishing on April 29, 2006, while Silver King Creek and tributaries including lakes above Llewellyn Falls **remains** closed to fishing. The Department is proposing to permanently adopt the expired emergency regulations and close to all fishing all year in Silver King Creek and tributaries including lakes above Snodgrass Creek. This action is necessary to help prevent the unauthorized movement of nonnative trout from below Llewellyn Falls to above Llewellyn Falls.

At the May 4, 2006 Fish and Game Commission meeting, representatives of the Alpine County Board of Supervisors and other interested parties from Alpine County suggested that the proposed regulations for a closed fishing season on Silver King Creek was a hardship to County interests and offered an alternative regulation that would retain some fishing opportunity on Silver King Creek. The new proposed regulation would move the downstream boundary of the closed area from Snodgrass Creek to the confluence of Silver King Creek and Tamarack Lake Creek. The length of the closed stream reach below Llewellyn Falls would change to about 3,600 feet (rather than approximately 6 miles down to Snodgrass Creek).

Other waters in existing portions of the watershed currently closed to angling would remain closed.